

**Before the State of South Carolina
Department of Insurance**

In the matter of:

Thomas J. Scruggs
30 Plantation Court
Spartanburg, South Carolina 29302

File Number 2004-122316

**Consent Order
Imposing Administrative Penalty and
Probationary Period**

This matter comes before me pursuant to an agreement entered into between the State of South Carolina Department of Insurance and Thomas J. Scruggs, a licensed South Carolina resident insurance producer.

Upon review of this matter, I hereby find as fact, that Thomas Scruggs, while licensed to do business as a resident insurance agent within the State of South Carolina for various Insurance companies, did complete an application for insurance on customer Marietta Kolinchak. Mr. Scruggs acknowledges this and contends this failure resulted from inadvertence and oversight and not from any intent to avoid the requirements of the law. Nevertheless, these actions can ultimately lead to the revocation of his license to transact the business of insurance as a producer in South Carolina following a public hearing at the Administrative Law Court.

Prior to the initiation of any administrative proceedings by the Department against him, Thomas Scruggs and the Department agreed to submit the entire matter to me, along with their specific recommendation, for my summary decision, rather than to proceed toward a formal public hearing. The consensual recommendation was that Mr. Scruggs would waive his right to a public hearing, and immediately pay an administrative penalty through the Department in the total amount of \$1,500. In lieu of seeking to revoke Mr. Scruggs resident insurance producer's license, the Department would also place him on probation for one year.

Sections 38-45-140 and 38-43-130 of the South Carolina Code grant the Director of Insurance the power to revoke an insurance producer's license for violating any of South Carolina's Insurance Laws.

After a thorough review of the record, and pursuant to my findings of fact, I hereby conclude as a matter of law, that Mr. Thomas Scruggs has violated S.C. Code Ann. § 38-43-130 (Supp. 2003). As a result, I can now revoke his resident insurance producer's license. However, under the discretionary authority provided to me within S.C. Code Ann. § 38-43-130 (Supp. 2003), and after carefully considering the recommendation of the parties, I hereby impose against Mr. Scruggs an administrative fine in the total amount of \$1,500 and place him on probation for one year. If Mr. Scruggs is found to be in violation of any of the state's insurance laws within that

probationary period, all of his licensing privileges will be immediately revoked without any further disciplinary proceedings.

The parties have reached this agreement in consideration of Thomas Scruggs' assurance that in the future he will comply with the State's insurance laws. The parties expressly agree and understand that this resolution constitutes full accord and satisfaction of this matter. By his signature upon this consent order, Mr. Scruggs acknowledges that he understands that this administrative disciplinary order is a public record subject to the disclosure requirements of the State of South Carolina's *Freedom of Information Act*, S.C. Code Ann. §§ 30-4-10, *et seq.* (1991 and Supp. 2003).

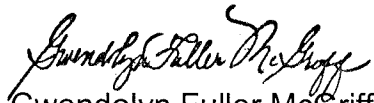
Nothing contained within this administrative disciplinary order should be construed to limit or to deprive any person of any private right of action under the law. Nothing contained within this administrative disciplinary order should be construed to limit, in any manner, the criminal jurisdiction of any law enforcement or judicial officer. Nothing contained within this administrative disciplinary order should be construed to limit the statutory duty of the Director of Insurance, exercised either directly or through the Department of Insurance, to "report to the Attorney General or other appropriate law enforcement officials criminal violations of the law relative to the business of insurance or the provisions of this title which he considers necessary to report." S.C. Code Ann. § 38-3-110 (4) (Supp. 2003).

It is, therefore, ordered that Thomas J. Scruggs shall pay through the Department an administrative fine in the total amount of \$1,500 dollars and be placed under one year Probation.

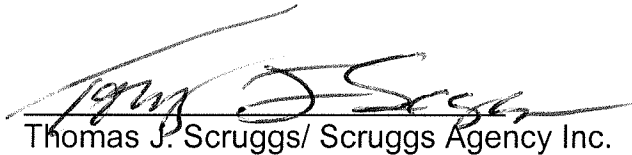
It is further ordered that a copy of this consent order be immediately transmitted to the National Association of Insurance Commissioners for distribution to its member states and a copy be placed in Mr. Scruggs' licensing file.

This order becomes effective as of the date of my signature below.

October 19, 2004, at
Columbia, South Carolina


Gwendolyn Fuller McGriff
Deputy Director

I CONSENT:

A handwritten signature in black ink, appearing to read "Thomas J. Scruggs", is written over a horizontal line.

Thomas J. Scruggs/ Scruggs Agency Inc.
100 Powell Mill Road
Spartanburg, South Carolina 29301.

Dated this day of October, 2004